

1 UNITED STATES DISTRICT COURT
2
3 DISTRICT OF NEVADA

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5 TERENCE FAIR,

6 Case No. 2:22-cv-00603-GMN-EJY

7 Plaintiff,

8 v.
9
10 ORDER

11 STATE OF NEVADA, et al.,
12 Defendants.

13 I. DISCUSSION

14 On April 11, 2022, Plaintiff, an inmate in the custody of the Nevada Department of
15 Corrections, submitted an application to proceed *in forma pauperis* (“IFP”), Motion to Defer *In*
16 *Forma Pauperis*, and a civil rights complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff’s
17 IFP application is incomplete because Plaintiff failed to fill in the blanks or answer any question on
18 the form, and failed to submit a financial certificate and inmate account statement for the previous
six month period. In the Motion to Defer *In Forma Pauperis* Plaintiff states that he sought a financial
19 certificate and account summary from prison authorities in October 2021 and January 2022, but has
20 received neither.

21 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a
22 civil action may apply to proceed *in forma pauperis*, allowing the inmate to file the civil action
23 without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit
24 all three of the following documents to the Court:

25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s
26 approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
27
28 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
(i.e. page 4 of this Court’s approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

II. ORDER

Accordingly, IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

IT IS FURTHER ORDERED that Plaintiff is granted a **one time extension** to file a fully complete *in forma pauperis* application containing all three of the required documents. Plaintiff must file a fully complete *in forma pauperis* application or before **JUNE 20, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time.

IT IS FURTHER ORDERED that if Plaintiff is unable to file a fully complete *in forma pauperis* application with all three required documents on or before **June 20, 2022**, the Court will recommend this case be dismissed without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete *in forma pauperis* application.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the *in forma pauperis* application. Alternatively, Plaintiff may choose not to file an *in forma pauperis* application and instead pay the filing fee of \$402 on or before **June 20, 2022** to proceed with this case.

The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court will not file the complaint unless and until Plaintiff timely files a fully complete *in forma pauperis* application with all three documents or pays the \$402 filing fee.

1 IT IS FURTHER ORDERED that the Clerk of Court must send Plaintiff the approved form
2 application to proceed *in forma pauperis* by an inmate, as well as the document entitled information
3 and instructions for filing an *in forma pauperis* application.

4 Dated this 19th day of April, 2022.

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6 ELAYNA J. YOUCRAH
7 UNITED STATES MAGISTRATE JUDGE
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